

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WENDY TOWNLEY, *et al.*

Plaintiffs,

vs.

ROSS MILLER, Secretary of State,

Defendants.

CASE NO.: 3:12-CV-00310-RCJ-WGC

**ORDER SETTING DATE FOR ORAL
ARGUMENT AND BRIEFING
SCHEDULE**

On pending Motion for Stay and Appeal by Defendant/Intervenor:

Whereas argument was held on August 22, 2012, on Plaintiff's Request for Preliminary Injunction; and

Whereas at the conclusion of the hearing the Court orally expressed an intent to grant the injunction as embodied in a subsequent written decision to be issued, and effective upon issuance of the written decision; and

Whereas Defendant/Intervenor made an oral motion at the hearing for stay of the written order upon its issuance pending appeal to the Ninth Circuit Court of Appeals; and

Whereas to accommodate counsel the Court expressed intention to deny the stay upon issuance of the written decision, so that Defendant/Intervenor's counsel would not have to file a separate motion for stay and obtain a hearing for the same in this Court; and

Whereas counsel for Defendant/Intervenor have now filed a premature Notice of Appeal (ECF ##40, 41) and Appellant/Defendant Ross Miller's premature Emergency Motion Under

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1 Circuit Rule 27-3 Emergency Motion for Stay Of Order Granting Preliminary Injunction
2 (DKT #6-1) in the Ninth Circuit Court of Appeals Consolidated Case Nos.: 12-16881/12-16882 for
3 stay of a preliminary injunction; and

4 Whereas this Chamber has been contacted by Judge Stephen Reinhardt of the Ninth Circuit
5 Court of Appeals through the Ninth Circuit Clerk's Office, requesting an early entry of this Court's
6 written injunction decision so that he might entertain the premature notice of appeal and emergency
7 motion for stay pending appeal; and

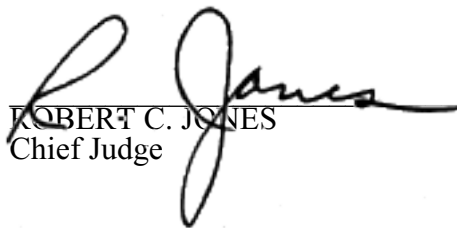
8 Whereas this Court is reminded of its obligation to give careful consideration to any request
9 for stay pending appeal prior to the entertainment of that motion before the Ninth Circuit Court of
10 Appeals;

11 Therefore this Court will order briefing on the motion for stay pending appeal and set a
12 hearing for such motion accordingly.

13 IT IS HEREBY ORDERED that parties are to file briefs regarding a motion for stay pending
14 appeal on or before Friday, September 7, 2012 and oral argument is set for 09:00AM, Friday,
15 September 14, 2012, in Reno Courtroom 6, Bruce R. Thompson Building and U.S. Courthouse, 400
16 South Virginia Street, Reno, Nevada 89501.

17 IT IS SO ORDERED.

18 DATED: This 30th day of August, 2012.

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22 ROBERT C. JONES
23 Chief Judge
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